

In the United States District Court

For the Southern District of West Virginia
(State)
Division

Name: Robert SmithPrison ID #: 07859-027

Name: _____

Prison ID #: _____

Name: _____

Prison ID #: _____

☐ Check here if there are additional
Plaintiffs--use separate sheet to
list each person. DO NOT USE ET AL.

vs.

Name: Marty Anderson (Warden)Name: Blankenship (P#)

Name: _____

Name: _____

☐ Check here if there are additional
Defendants--use separate sheet to
list each person. DO NOT USE ET AL.

FILED

MAY 13 2005

TERESA L. DEPPNER, CLERK
United States District Court
Southern District of West Virginia

Civil Action #: _____

(To be assigned by the Clerk's
Office. Do not write in this blank.)

Complaint for the Violation of Civil Rights
Under 42 U.S.C. § 1983

I. Previous Lawsuits

A. Have you or any of the other plaintiffs listed above filed any other lawsuits in the United States District Courts and/or any state courts?

☐ Yes☒ No

B. If you answered YES to Question A, list the following information:

☐ Check here if more than one lawsuit has been filed and list them on additional sheets

1. Parties to previous lawsuit:

Plaintiffs: N/A

Defendants: _____

2. In what Court did you file the previous lawsuit?

N/A
(If Federal Court, name the District; if State Court, name the county.)

3. Case Number of the previous lawsuit: N/A

4. Name of judge to whom the case was assigned: N/A

5. Date previous lawsuit was filed: / / (List at least the year.)

6. What was the disposition or result of the previous lawsuit? (for example, was it dismissed, appealed, or still pending)

N/A

7. When was previous lawsuit decided: / / (List at least the year.)

8. Did the previous lawsuit involve the same facts or circumstances that you are now alleging in the lawsuit you are now submitting?

☐ Yes

☐ No

II. Place of Plaintiff(s)'s current confinement:

A. Name of prison or jail in which you are currently incarcerated:

B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

☒ Yes

☐ No

C. If you answered NO to question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

D. Did you present these facts to the prison authorities through the prisoner grievance procedure?

☒ Yes

☐ No

E. If you answered Yes to question D:

1. What steps did you take: BP 8 BP 9 BP 10

2. What was result: Denied

F. If you answered No to question D, explain why not: _____

III. Parties to this Lawsuit

A. Plaintiff(s) bring this lawsuit:

1. Name of Plaintiff: Robert Smith

Prison ID #: 07859-027

Address, include name of institution: PO Box 350

Beaver, WV 25813 Beckley Correctional Institution

2. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

3. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

☐ Check here if there are additional plaintiffs and list them on additional sheet of paper.

- B. Defendants against whom you are filing this lawsuit:
For each defendant, check whether you are naming the defendant in his or her individual and/or official capacity.

1. Name of Defendant: Blakenship P.A.

Place of Employment: Medical Dept. Beckley F.C.I.

Address of Defendant: PO Box 350
Beaver, WV 25813

Named in an official capacity? ☒ Yes ☐ No

Named in an individual capacity? ☐ Yes ☐ No

2. Name of Defendant: Marty Anderson

Place of Employment: Beckley Correction Center

Address of Defendant: P.O. Box 350 Beaver WV 25813

Named in an official capacity? ☒ Yes ☐ No

Named in an individual capacity? ☐ Yes ☐ No

3. Name of Defendant: _____

Place of Employment: _____

Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No

Named in an individual capacity? ☐ Yes ☐ No

- ☐ Check here if there are more than 3 defendants. You must list each and every defendant. If you do not list the name of a defendant, he or she will not be included in the lawsuit. If you do not list the place of employment and address the clerk will not be able to serve that defendant. Use addition sheets of paper to list more than 3 defendants.

IV. Statement of your claim

State as briefly as possible all the facts of your case. Recite the dates when any incidents or events occurred, and the places where they took place. Describe how each defendant is involved. Also include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each one, and use a separate paragraph for each one.

On 1-13-05 I informed medical dept. employee Blankenship

that I was allergic to the PPD shot, for Tuberculosis.

Blankenship advised me that if I refused the PPD shot, that

I would be placed in segregation indefinite if I refused this

shot. I informed Blankenship "again" that I was allergic to

this shot, and showed him my left arm that was damaged at

Logan state prison in Illinois, from the PPD shot. I also

informed Blankenship that I could take an x-ray that would

detect if I had T.B. Blankenship kept insisting that I "had"

to take this shot or be put in segregation. Not wanting to

be placed in segregation, I complied with Blankenship's order,

and he shot me in my right arm with PPD. Immediately I started

having swelling in my arm from the shot and has again left

a very damaging and nasty looking scar on my arm also, that

is permanent and about 2" inches in diameter, from me being

"forced" to take the shot.

V. Relief requested: List what you want the court to do; list what relief you seek against each defendant:

- A. Punitive Damages \$300,000.00
- B. Compensatory Damages \$200,000.00
- C. _____
- D. _____
- E. _____

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this 25 day of April, 2005.

Signature: _____

Prison ID #: 07859-027

Address: PO Box 350

Beaver, WV 25813

Signature: _____

Prison ID #: _____

Address: _____

Signature: _____

Prison ID #: _____

Address: _____

☐ Check here if additional signatures are included on an additional sheet of paper.

All plaintiffs must sign complaint.